IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant-Appellant(s)	Cowley et al.	Examiner:	Bristol, Lynn Anne
Serial No.:	10/511,794	Group Art Unit:	1643
Confirmation No.:	6673	Docket:	976-20 PCT/US/RCE
Filed:	March 17, 2005	Dated:	May 1, 2009
For:	SPECIFIC ANTIBODY FRAGMENTS FOR THE HUMAN CARCINOEMBRYONIC ANTIGEN (CEA)		

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RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF PURSUANT TO 37 C.F.R. §41.37

Sir:

In a Notification of Non-Compliant Appeal Brief (37 C.F.R. § 41.37) mailed April 6, 2009, the Appeal Brief filed on March 9, 2009 was alleged to be defective for not arguing each independent claim separately in the "Summary of Claimed Subject Matter" section.

In response to the Notification, submitted herewith is the revised Brief section entitled "SUMMARY OF CLAIMED SUBJECT MATTER."

V. SUMMARY OF CLAIMED SUBJECT MATTER

The following is a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, with reference to the specification by page and line number. Claims 32, 36, 39, 43, 47, 51, 52, and 56 are the independent claims on appeal.

The present invention as set forth in independent claim 32 is directed to a monomeric single-chain Fv antibody fragment (specification p. 6, lines 8-11). The monomeric single-chain Fv antibody fragment consists of an amino acid sequence as set forth in SEQ ID NO: 16 (specification p. 9, lines 29-33; Figure 2; p. 7, lines 13-17). The monomeric single-chain Fv antibody fragment is specific for human carcinoembryonic antigen (specification p. 6, lines 8-11).

The present invention as set forth in independent claim 36 is directed to a pharmaceutical composition (specification, p. 8, lines 29-34). The pharmaceutical composition consists of an amino acid sequence as set forth in SEQ ID NO: 16 (specification p. 8, lines 15-18; p. 9, lines 29-33; Figure 2; p. 7, lines 13-17). The pharmaceutical composition further includes a pharmaceutically-acceptable carrier (specification, p. 8, lines 29-34).

The present invention as set forth in independent claim 39 is directed to a divalent single-chain Fv antibody fragment (specification p. 6, lines 12-16). The divalent single-chain Fv antibody fragment consists of an amino acid sequence as set forth in SEQ ID NO: 17 (specification p. 9, lines 29-33; Figure 2; p. 7, lines 13-17). The divalent single-chain Fv antibody fragment is specific for human carcinoembryonic antigen (specification p. 6, lines 12-16).

The present invention as set forth in independent claim 43 is directed to a pharmaceutical composition (specification, p. 8, lines 29-34). The pharmaceutical composition comprises an amino acid sequence as set forth in SEQ ID NO: 17 (specification p. 8, lines 15-18; p. 9, lines 29-33; Figure 2; p. 7, lines 13-17). The pharmaceutical composition further includes a pharmaceutically-acceptable carrier (specification, p. 8, lines 29-34).

The present invention as set forth in independent claim 47 is directed to a monomeric single-chain Fv antibody fragment (specification p. 6, lines 8-11). The monomeric single-chain Fv antibody fragment comprises an amino acid sequence as set forth in SEQ ID NO: 16 (specification p. 9, lines 29-33; Figure 2; p. 7, lines 13-17). The monomeric single-chain Fv antibody fragment is specific for human carcinoembryonic antigen (specification p. 6, lines 8-11).

The present invention as set forth in independent claim 51 is directed to a pharmaceutical composition (specification, p. 8, lines 29-34). The pharmaceutical composition comprises an amino acid sequence as set forth in SEQ ID NO: 16 (specification p. 8, lines 15-18; p. 9, lines 29-33; Figure 2; p. 7, lines 13-17). The pharmaceutical composition further includes a pharmaceutically-acceptable carrier (specification, p. 8, lines 29-34).

The present invention as set forth in independent claim 52 is directed to a divalent single-chain Fv antibody fragment (specification p. 6, lines 12-16). The divalent single-chain Fv antibody fragment comprises an amino acid sequence as set forth in SEQ ID NO: 17 (specification p. 9, lines 29-33; Figure 2; p. 7, lines 13-17). The divalent single-chain Fv antibody fragment is specific for human carcinoembryonic antigen (specification p. 6, lines 12-16).

The present invention as set forth in independent claim 56 is directed to a pharmaceutical composition (specification, p. 8, lines 29-34). The pharmaceutical composition comprises an amino acid sequence as set forth in SEQ ID NO: 17 (specification p. 8, lines 15-18; p. 9, lines 29-33; Figure 2; p. 7, lines 13-17). The pharmaceutical composition further includes a pharmaceutically-acceptable carrier (specification, p. 8, lines 29-34).

REMARKS

Pursuant to MPEP §1205.03, it is respectfully submitted that the entire brief need not, and should not, be filed. Therefore, this paper is believed to be fully responsive to the Notice of Non-Compliant Appeal Brief.

If any fees are due or any over overpayment made in connection with this paper, please charge or credit our Deposit Account No.: 08-2461 for such sum.

Respectfully submitted,

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